

United States District Court
Eastern District of Michigan

United States of America

v.

Walter Johnson

ORDER OF DETENTION PENDING TRIAL

Case Number: 06-30074; 06-30077

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

(1) I find that:

- there is probable cause to believe that the defendant has committed an offense
- for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or _____;
- under 18 U.S.C. § 924(c).

(2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

✓ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- ✓ (a) nature of the offense– Involves fraud, intimidation, and guns, as well as manipulation, threats and sophisticated scheme for fraud. Some evidence of uncharged cocaine sales. Charged conduct includes fraud and gun possessions.
- ✓ (b) weight of the evidence– There are identified some 13 beneficiaries whose checks are alleged to have been paid to defendant. Scheme involves an inside SS employee who effectuated the payment.
- ✓ (c) history and characteristics of the defendant – Takes care of 13 year old disabled daughter.
- ✓ 1) physical and mental condition– Some evidence of intimidation and minimal evidence of assault. Does take care of his disabled daughter, though there are trust funds which could be used to hire help for her in his absence.
- ✓ 2) employment, financial, family ties– Stable family ties, co-defendant wife is inside employee. . .
- ✓ 3) criminal history and record of appearance– Had guns, prior convictions
- ✓ (d) probation, parole or bond at time of the alleged offense– No evidence of same; convictions old
- ✓ (e) danger to another person or community– Guns found at two locations, both in Detroit and Southfield.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

s/Virginia M. Morgan

Date 2/9/06

Signature of Judge

Virginia M. Morgan, United States Magistrate Judge

Name and Title of Judge